

IN RE: PETITION FOR ADMIN. VARIANCE
S/S Brook Farm Court, 430' E of
the c/l of Cuba Road
(3 Brook Farm Court)
8th Election District
3rd Councilmanic District

Joseph Buscema, et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 96-425-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Administrative Variance for that property known as 3 Brook Farm Court, located in the vicinity of Cuba Road in Hunt Valley. The Petition was filed by the owners of the property, Joseph and Elizabeth L. Buscema. The Petitioners seek relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (detached swimming pool) to be located in the side yard in lieu of the required rear yard, and from Section 1A03.4.B.2 of the B.C.Z.R. to permit a side yard setback of 40 feet in lieu of the required 50 feet for an existing dwelling. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or gener-

ORDER RECEIVED FOR FILING

Date

By

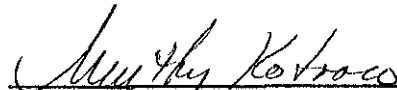
MICROFILMED

al welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 30th day of May, 1996 that the Petition for Administrative Variance seeking relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (swimming pool) to be located in the side yard in lieu of the required rear yard, and from Section 1A03.4.B.2 of the B.C.Z.R. to permit a side yard setback of 40 feet in lieu of the required 50 feet for an existing dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
Date 5/30/96
By [Signature]

MICROFILMED

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

May 30, 1996

Mr. & Mrs. Joseph Buscema
3 Brook Farm Court
Hunt Valley, Maryland 21030

RE: PETITION FOR ADMINISTRATIVE VARIANCE
S/S Brook Farm Court, 430' E of the c/l of Cuba Road
(3 Brook Farm Court)
8th Election District - 3rd Councilmanic District
Joseph Buscema, et ux - Petitioners
Case No. 96-425-A

Dear Mr. & Mrs. Buscema:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Permits and Development Management Office at 887-3391.

Very truly yours,

A handwritten signature in cursive script that reads "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: People's Counsel

✓ File

MICROFILMED





Petition for Administrative Variance

96-425-A

to the Zoning Commissioner of Baltimore County

for the property located at 3 Brook Farm Ct Hunt Valley MD.
which is presently zoned RC-4

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 400.1 to Allow a Detached Accessory Structure (Swimming Pool) in the Side Yard in lieu of the Rear Yard. and Sec. 1 A03.4 B.2. to Allow a 40 ft Side Yard Setback (Existing) in lieu of the required 50 ft.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

1. Septic field/reserve occupies areas behind house directly
2. Other land beyond septic in back cannot be used due to distance from house, topography of land and safety concerns.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition

Contract Purchaser/Lessee

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner

(Type or Print Name)

Signature

Address

Phone No

City

State

Zipcode

Legal Owner(s):

(Type or Print Name)

Signature

(Type or Print Name)

Signature

3 Brook Farm Court 785-1229
Address Phone No

Hunt Valley MD 21030
City State Zipcode

Name, Address and phone number of representative to be contacted.

Name

Address

Phone No

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this ____ day of _____, 19____ that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted.

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Zoning Commissioner of Baltimore County

REVIEWED BY: JM DATE: 4-30-96

ESTIMATED POSTING DATE: 5-11-96

Printed with Soybean Ink
on Recycled Paper

ITEM #: 425

ORDER RECEIVED FOR FILING
Date 5/3/96
1996

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 3 Brook Farm Court.
address
HUNT VALLEY, MD 21030
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)

Pool installation on the back of the house constitutes practical difficulties because of the location of septic reserve which occupies area directly behind house. The land beyond the septic field in back would be impractical for location of the pool because of the topography and distance from house, which also creates a safety issue. The house is located such that a side pool location would render the pool non-visible from the front and back of neighboring property (lot #14). It can not be seen from front of this property also.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Joseph Buscema
signature
JOSEPH BUSCEMA
(type or print name)



Elizabeth L. Buscema
signature
ELIZABETH L. BUSCEMA
(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 29th day of April, 1996, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Joseph Buscema and Elizabeth Buscema

the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

4/29/96
date

Amy Willo Salotto
NOTARY PUBLIC

My Commission Expires: 12/6/98

ZONING DESCRIPTION FOR: 3 BROOK FARM COURT, HUNT VALLEY, MD
21030.

BEGINNING AT A POINT ON THE SOUTH SIDE OF BROOK FARM COURT
WHICH IS ^{50'} 168 FEET WIDE AT THE DISTANCE OF FEET EAST
OF THE CENTERLINE OF THE NEAREST IMPROVED INTERSECTING STREET,
CUBA ROAD, WHICH IS 50 FEET WIDE. BEING LOT # 20,
BLOCK , SECTION # . IN THE SUBDIVISION OF WESTERN RUN
AS RECORDED IN BALTIMORE COUNTY PLAT BOOK # 48, FOLIO # 144,
CONTAINING 3.96 ACRES. ALSO KNOWN AS 3 BROOK FARM COURT,
HUNT VALLEY, MD. AND LOCATED IN THE 8TH ELECTION DISTRICT,
COUNCILMANIC DISTRICT.

96-425-A

MICROFILMED

425.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

96-415

District Ed

Posted for: Varvaro

Date of Posting 5/10/96

Petitioner: Joseph & Mrs. Buscone

Location of property: 3 Brook Farm Court

Location of Sign: Along roadway on property being zoned

Remarks: _____

Posted by M. H. Kelly

Signature

Date of return: 5/17/96

Number of Signs: 1

MICROFILMED

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 71037

DATE 4-22-96 ACCOUNT ROOF-GILL

(P)

AMOUNT \$ 85.00

RECEIVED
FROM:

JOSEPH & ELIZABETH BUSCHIA

3 BILKOR TANN CT. HIGHTSTOWN NJ 08520

WILSON, DON. 500

OSC 1 SIGN 35

FOR:

MICROFILMED

DATE RECEIVED

RECEIVED

PA 0000000000 30-96

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

96-425

4120



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 425 Petitioner: JOSEPH AND ELIZABETH BUSCEMA
Location: 3 BROOK FARM CT. HUNT VALLEY, MD 21030

PLEASE FORWARD ADVERTISING BILL TO:

NAME: JOSEPH AND ELIZABETH BUSCEMA

ADDRESS: 3 BROOK FARM COURT
HUNT VALLEY, MD 21030

PHONE NUMBER: 410-785-1229

MICROFILMED

Plat to accompany Petition for Zoning ☐ Variance ☐ Special Hearing

PROPERTY ADDRESS: _____

see Pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: _____

plat book # _____, folio # _____, lot # _____, section # _____

OWNER: _____



North

date: _____
prepared by: _____

Scale of Drawing: 1"= _____



Vicinity Map
scale: 1"=1000'

LOCATION INFORMATION

Election District: _____

Councilmanic District: _____

1"=200' scale map#: _____

Zoning: _____

Lot size: _____ acreage _____ square feet

public private
SEWER: ☐ ☐
WATER: ☐ ☐
yes no

Chesapeake Bay Critical Area: ☐ ☐

Prior Zoning Hearings: _____

Zoning Office USE ONLY!

reviewed by: _____ ITEM #: _____ CASE#: _____



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

May 13, 1996

NOTICE OF CASE NUMBER ASSIGNMENT

Re: CASE NUMBER: 96-425-A (Item 425)
3 Brook Farm Court
S/S Brook Farm Court, 430' E of c/l Cuba Road
8th Election District - 3rd Councilmanic
Legal Owner(s): Joseph Buscema and Elizabeth L. Buscema

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.

- 1) Your property has been posted. The file's closing date is May 28, 1996. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.
- 2) In cases requiring public hearing (whether due to a neighbor's formal request before the closing date or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reposting and newspaper advertising are payable by the petitioner(s).
- 3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$60.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon
Director

cc: Joseph and Elizabeth Buscema

MICROFILMED





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

May 24, 1996

Mr. and Mrs. Joseph Buscema
3 Brook Farm Court
Hunt Valley, MD 21030

RE: Item No.: 425
Case No.: 96-425-A
Petitioner: Joseph Buscema, et ux

Dear Mr. and Mrs. Buscema:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on April 30, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

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Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

5-10-96

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 425 (JRA)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-545-5581 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for

Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

RECEIVED

Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

DATE: 05/16/96

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF MAY 13, 1996.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 423, 424, 425, 426, 428,
429, 430, 431, 432, 433, 435 AND 436.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

B A L T I M O R E C O U N T Y , M A R Y L A N D

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
 Permits and Development
 Management

DATE: May 9, 1996

FROM: Pat Keller, Director
 Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item No. Nos. 423, 425, 426, 428, 431, 434, 435, and 436

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3495.

Prepared by:

Jeffrey W. Long

Division Chief:

Dan L. Kern

PK/JL

B A L T I M O R E C O U N T Y, M A R Y L A N D

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
 Department of Permits & Development
 Management

Date. May 20, 1996

FROM: *RWB* Robert W. Bowling, Chief
 Development Plans Review Division
 Department of Permits & Development
 Management

SUBJECT: Zoning Advisory Committee Meeting
 for May 20, 1996
 Item Nos. 423, 425, 426, 428, 429,
 430, 434, 436

The Development Plans Review Division has reviewed the subject zoning item, and we have no comments.

RWB:HJO:jrb

cc: File

ZONE10

MICROFILMED

April 22, 1996

To Whom It May Concern,

I have reviewed the site plan for the proposed pool planned at Three (3) Brook Farm Court, Hunt Valley, and have no objections to the location of the pool site.

Edward P. Veilleux

Paul P. Veilleux

5 Brook Farm Ct

Hunt Valley, Md 21030

Lot 19

Western Run Development

ENCLOSURE


425

April 22, 1996

To Whom It May Concern,

I have reviewed the site plan for the proposed pool planned at Three (3) Brook Farm Court, Hunt Valley, and have no objections to the location of the pool site

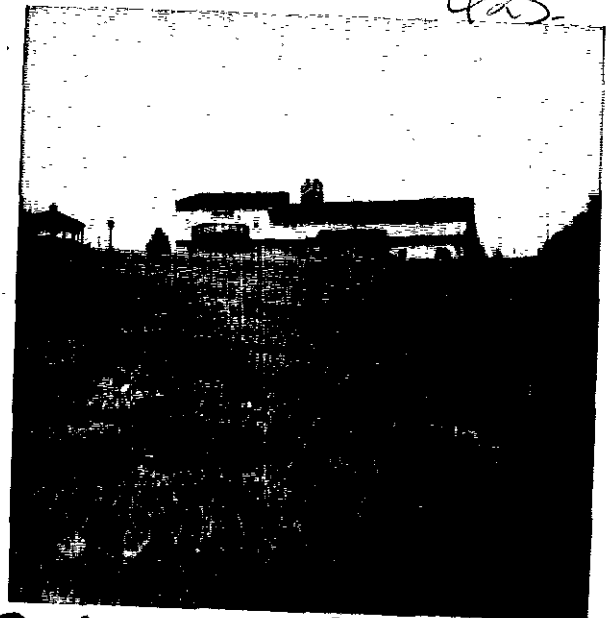
Lot #21


K. SUE KAUGH
1 BROOK FARM CT.
COCKEYSVILLE MD 21030
685-1686

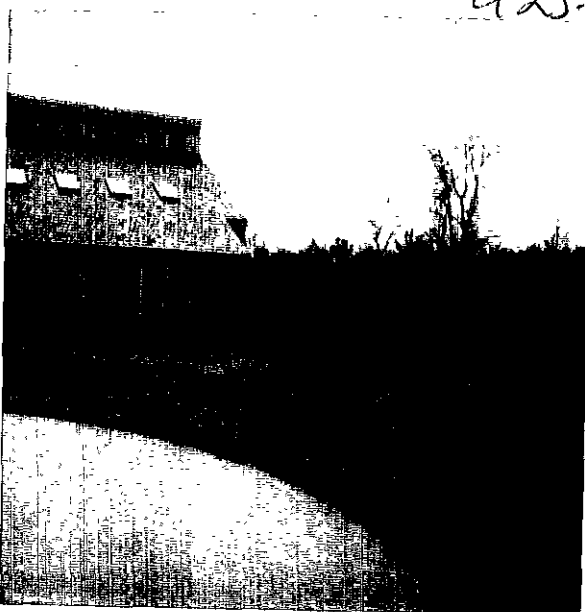
425-



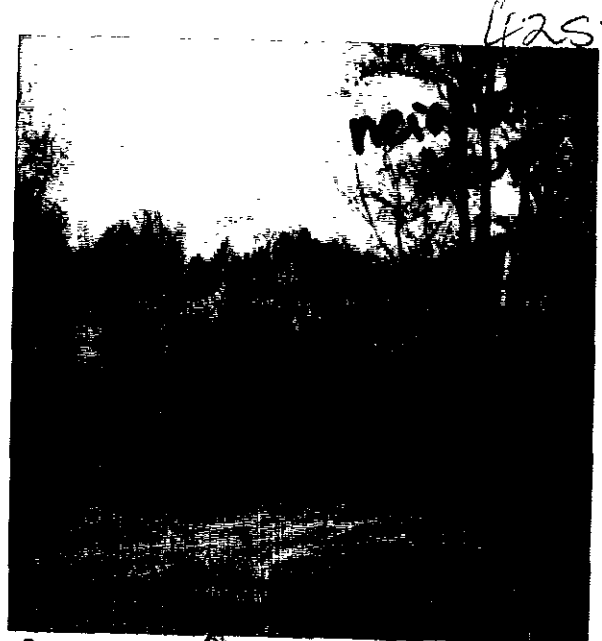
Front of 3 Brook Farm Ct from
neighbors front. POOL ON
OPPOSITE SIDE OF TREE LINE



Back view of house -
beyond septic reserve.
POOL OVER HILL BETWEEN GARAGE & HOUSE

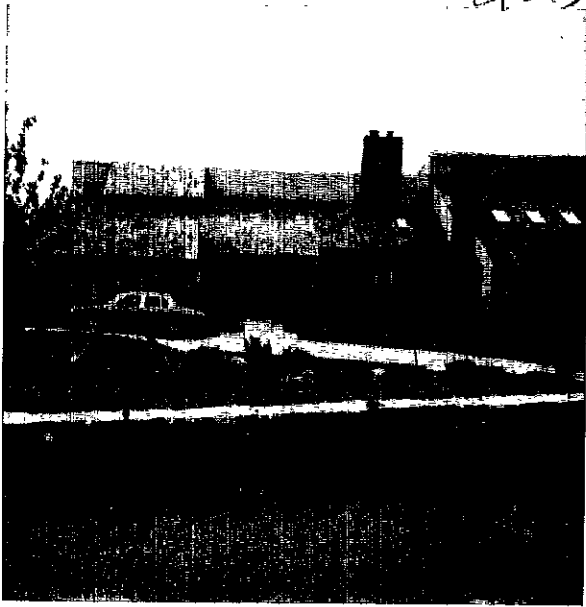


Front view of house -
Pool location not visible.
POOL TO SIDE AREA OF HOUSE



view of neighbors back
yard from pool location

425



Front view of house
3 Brook Farm Ct.

425



side of 3 Brook Farm Ct
from neighbor's front.
Pool on opposite of hedge row

Kodak *ds*
digital science™

DEMO

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IN RE: PETITION FOR ADMIN. VARIANCE
S/S Brook Farm Court, 430' E of
the c/l of Cuba Road
(3 Brook Farm Court)
8th Election District
3rd Councilmanic District
Joseph Buscema, et ux
petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 96-425-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Administrative Variance for that property known as 3 Brook Farm Court, located in the vicinity of Cuba Road in Hunt Valley. The Petition was filed by the owners of the property, Joseph and Elizabeth L. Buscema. The Petitioners seek relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (detached swimming pool) to be located in the side yard in lieu of the required rear yard, and from Section 1A03.4.B.2 of the B.C.Z.R. to permit a side yard setback of 40 feet in lieu of the required 50 feet for an existing dwelling. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or gener-

al welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 30th day of May, 1996 that the Petition for Administrative Variance seeking relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (swimming pool) to be located in the side yard in lieu of the required rear yard, and from Section 1A03.4.B.2 of the B.C.Z.R. to permit a side yard setback of 40 feet in lieu of the required 50 feet for an existing dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

Timothy H. Kotroco
TIMOTHY H. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

THK:bjs

- 2 -

Baltimore County Government Zoning Commission Office of Planning and Zoning

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

May 30, 1996

(410) 887-4386

Mr. & Mrs. Joseph Buscema
3 Brook Farm Court
Hunt Valley, Maryland 21030

RE: PETITION FOR ADMINISTRATIVE VARIANCE
S/S Brook Farm Court, 430' E of the c/l of Cuba Road
(3 Brook Farm Court)
8th Election District - 3rd Councilmanic District
Joseph Buscema, et ux - Petitioners
Case No. 96-425-A

Dear Mr. & Mrs. Buscema:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Permits and Development Management Office at 887-3391.

Very truly yours,

Timothy H. Kotroco

TIMOTHY H. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

THK:bjs

cc: People's Counsel

file

Printed with Soybean Ink
on Recycled Paper



Petition for Administrative Variance 96-425-A to the Zoning Commissioner of Baltimore County for the property located at 3 Brook Farm Ct Hunt Valley, MD. which is presently zoned RC-4

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owners of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part thereof, hereby petition for a Variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (swimming pool) to be located in the side yard in lieu of the required rear yard, and from Section 1A03.4.B.2 of the B.C.Z.R. to permit a side yard setback of 40 feet in lieu of the required 50 feet for an existing dwelling. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

1. Septic field/reserve occupies areas behind house directly
2. Other land beyond septic in back cannot be used due to distance from house, topography of land and safety concerns.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc. upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchase/Lessor
Type or Print Name
Signature
Address
City State Zip Code
Attorney for Petitioner
Type or Print Name
Signature
Address Phone No
City State Zip Code

Legal Owners
JOSEPH BUSCEMA
ELIZABETH L. BUSCEMA
3 Brook Farm Court 785-1239
Hunt Valley, MD 21030
Name Address and phone number of representative to be contacted
Name Address Phone No

A Public Hearing having been requested and/or held to be requested, it is ordered by the Zoning Commissioner of Baltimore County that the subject matter of this petition be set for a public hearing, to be held on the date and at the place specified in the attached Order, and that the petition be presented to the Zoning Commission of Baltimore County.

RECEIVED BY: 5/31/96 4:30 PM
ESTIMATED POSTING DATE: 5-11-96
Printed with Soybean Ink
on Recycled Paper
ITEM #: 425

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalty of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) were competent to testify thereto in the event that a public hearing is scheduled at the time with regard thereto.

That the Affiant(s) do(es) presently reside at 3 Brook Farm Court

Hunt Valley, MD 21030
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address. (Indicate whether or not practical difficulty)

Pool installation on the back of the house constitutes practical difficulties because of location of septic reserve which occupies area directly behind house. The land beyond the septic field in back would be impractical for location of the pool because of the topography and distance from house, which also creates a safety issue. The house is located such that a side pool location would render the pool non-visible from the front and back of neighboring property (lot #19). It cannot be seen from front of this property either.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Joseph Buscema
JOSEPH BUSCEMA
Signature of Affiant(s)

Elizabeth L. Buscema
ELIZABETH L. BUSCEMA
Signature of Affiant(s)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 29th day of April, 1996, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Joseph Buscema and Elizabeth Buscema

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her knowledge and belief.

AS WITNESS my hand and Notarial Seal.

4/29/96

Arny Wells
Arny Wells
Notary Public

My Commission Expires: 12/6/98

ZONING DESCRIPTION FOR 3 Brook Farm Court, Hunt Valley, MD 21030.

BEGINNING AT A POINT ON THE SOUTH SIDE OF BROOK FARM COURT WHICH IS 168 FEET WIDE AT THE DISTANCE OF FEET EAST OF THE CENTERLINE OF THE NEAREST IMPROVED INTERSECTING STREET, CUBA ROAD, WHICH IS 50 FEET WIDE. BEING LOT # 20, BLOCK, SECTION # IN THE SUBDIVISION OF WESTERN RUN AS RECORDED IN BALTIMORE COUNTY PLAT BOOK # 48, FOLIO # 144, CONTAINING 3.96 ACRES. ALSO KNOWN AS 3 BROOK FARM COURT, HUNT VALLEY, MD. AND LOCATED IN THE 8TH ELECTION DISTRICT, COUNCILMANIC DISTRICT.

96-425-A

425

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 8th Date of Posting: 5/1/96
Posted for: Variance
Petitioner: Joseph & Elizabeth Buscema
Location of property: 3 Brook Farm Court
Location of Sign: Front of property, by rear yard
Remarks:
Posted by: [Signature] Date of return: 5/1/96
Number of Signs: 1

BALTIMORE COUNTY, MARYLAND
OFFICE OF PERMITS & DEVELOPMENT
MISCELLANEOUS CASH RECEIPT

Amount: \$ 0.00

RECEIVED FROM: Joseph & Elizabeth Buscema
3 Brook Farm Ct Hunt Valley, MD 21030
TOTAL: \$ 0.00

DATE: 5/1/96

VALIDATION OF SIGNATURE OF CUSTOMER: 425



Baltimore County
County Office Building
Department of Permits and
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:
Item No.: 425 Petitioner: JOSEPH AND ELIZABETH BUSCEMA
Location: 3 BROOK FARM CT HUNT VALLEY, MD 21030
PLEASE FORWARD ADVERTISING BILL TO:
NAME: JOSEPH AND ELIZABETH BUSCEMA
ADDRESS: 3 BROOK FARM COURT
HUNT VALLEY, MD 21030
PHONE NUMBER: 410-785-1239

Printed with Soybean Ink
on Recycled Paper



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

May 13, 1996

NOTICE OF CASE NUMBER ASSIGNMENT

Re: CASE NUMBER: 96-425-A (Item 425)
3 Brook Farm Court
5/5 Brook Farm Court, 430' E of c/l Cato Road
8th Election District - 3rd Councilmanic
Legal Owner(s): Joseph Buscema and Elizabeth L. Buscema

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.

1) Your property has been posted. The file's closing date is May 28, 1996. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request before the closing date or by order of the Commissioner), the property will be reported and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reporting and newspaper advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$60.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

Arnold Jablon
Arnold Jablon
Director

cc: Joseph and Elizabeth Buscema

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on Recycled Paper



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

May 24, 1996

Mr. and Mrs. Joseph Buscema
3 Brook Farm Court
Hunt Valley, MD 21030

RE: Item No.: 425
Case No.: 96-425-A
Petitioner: Joseph Buscema, et ux

Dear Mr. and Mrs. Buscema:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on April 30, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Supervisor

WCB/sw
Attachment(s)

Printed with Soybean Ink
on Recycled Paper



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 425 (JRA)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-545-5581 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
for Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

DATE: 05/16/96

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF MAY 13, 1996.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

B. The Fire Marshal's Office has no comments at this time. IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 423, 424, 425, 426, 429, 429, 430, 431, 432, 433, 435 AND 436.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 687-4691, MS-1102F

cc: File

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on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development
Management

DATE: May 9, 1996

FROM: Pat Keller, Director
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item No. Nos. 423, 425, 426, 428, 431, 434, 435, and 436

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3495.

Prepared by: *Jeffrey M. Long*

Division Chief: *Dan L. Kiser*

PK/JL

ITEM 423/PZONE/ZAC1

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management

Date: May 20, 1996

FROM: *Robert M. Bowling*, Chief
Development Plans Review Division
Department of Permits & Development
Management

SUBJECT: Zoning Advisory Committee Meeting
for May 20, 1996
Item Nos. 423, 425, 426, 428, 429,
430, 434, 436

The Development Plans Review Division has reviewed the subject zoning item, and we have no comments.

RWB:HJO:jrb

cc: File

ZONE10

April 33, 1996

To Whom It May Concern,
I have reviewed the site plan for the proposed pool planned at Three (3) Brook Farm Court, Hunt Valley, and have no objections to the location of the pool site.

Consolidating
Hal P. Vallance
3 Brook Farm Ct
Hunt Valley, Md 21030
Lot 19
Western Run Development

425

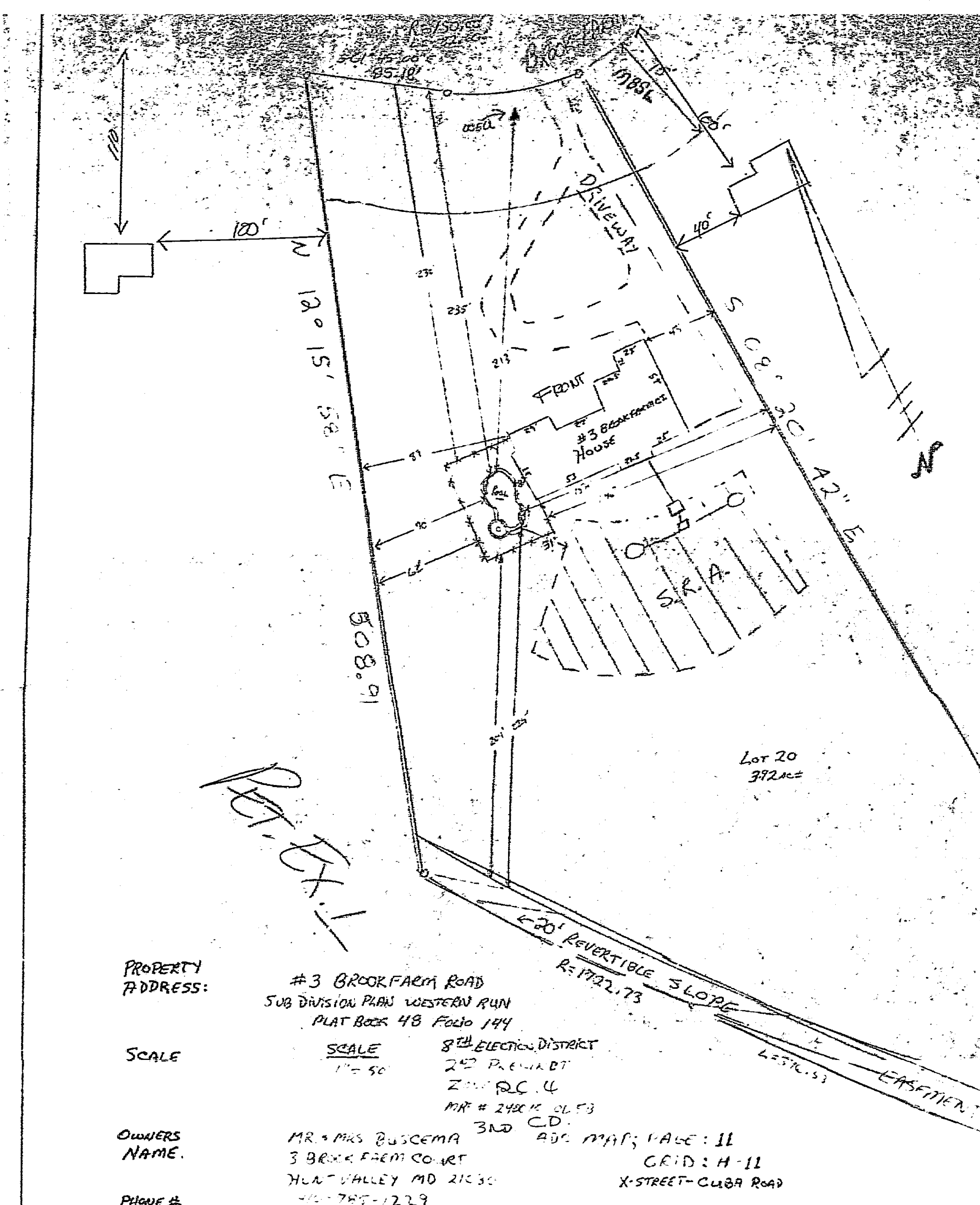
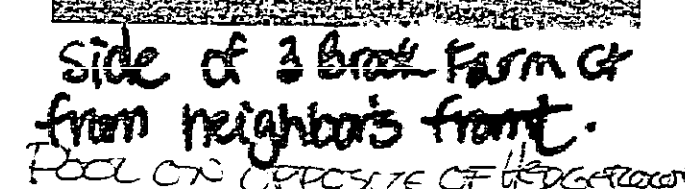
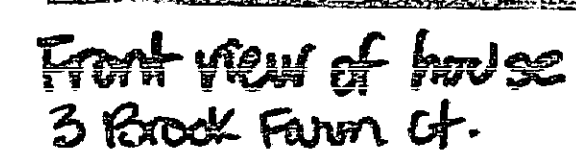
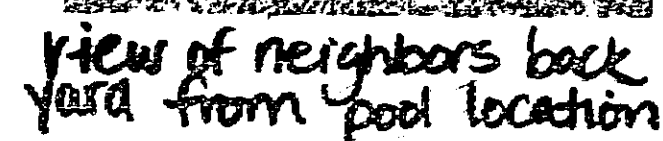
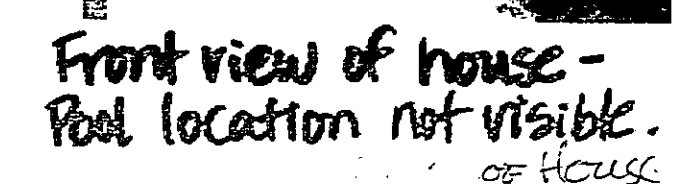
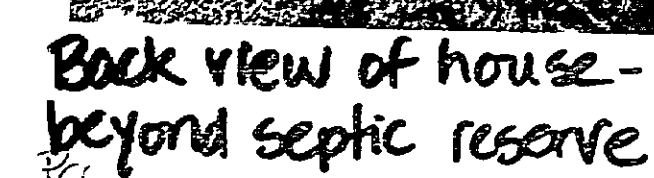
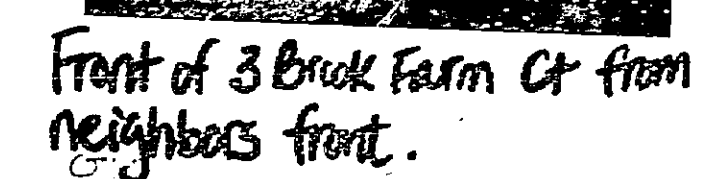
April 22, 1996

To Whom It May Concern,
I have reviewed the site plan for the proposed pool planned at Three (3) Brook Farm Court, Hunt Valley, and have no objections to the location of the pool site.

Lot #21

1 case #425 or
coordinates of 21030
425-436

425



PROPERTY
ADDRESS:

SCALE

OWNERS
NAME.

PHONE #

#3 BROOKFARM ROAD
SUB DIVISION PLANS WESTERN RUN
PLAT BOOK 48 Folio 144

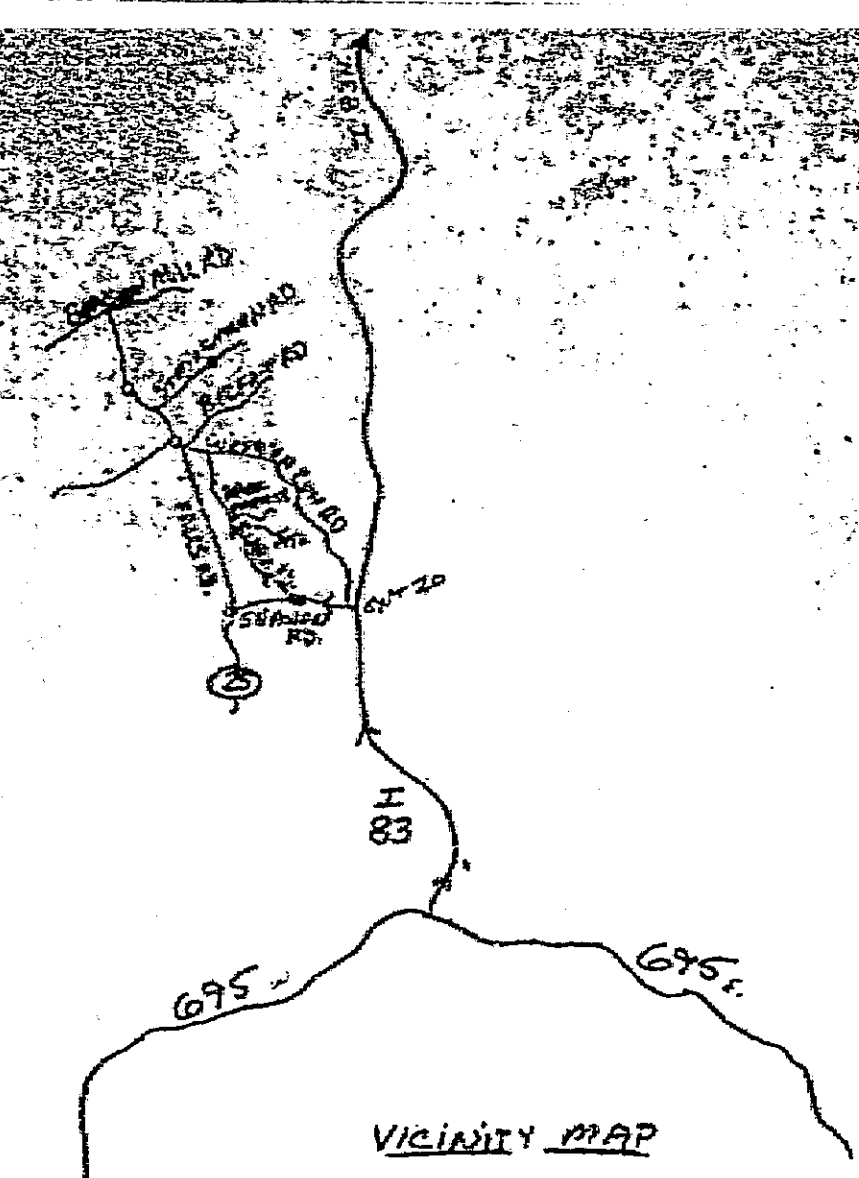
SCALE
1" = 50'

8TH ELECTION DISTRICT
2ND P. & W. ST.
ZONED R.C. 4
MR # 240012 0653

MR & MRS BUSCEMA 3RD CD.
3 BRICK FAIRM COURT ADD. MAP; PAGE: 11
HUNT VALLEY MD 21030 GRID: H-11
X-STREET-CUBA ROAD
761-785-1229

96-425-A

425.



DIRECTIONS :
FROM 695 TO 83 NORTH TO:
EXIT 20 (NANJIAN KAS WEST)
(A) 94 CUBA ROAD
(B) CROSS FROM COURT
SITE IS 1/2 MILE EAST

PLUMBING		SEW. LINES
① SKIMMER	_____	REAR _____
② SKIMMER	_____	SIDE _____
③ POOL BOTTOM DRAIN	_____	HOUSE _____
④ RETURNS	_____	EQUIP _____
⑤ AUTO CLEANER	_____	FENCE _____
⑥ SPA RETURN	_____	
⑦ SPA BOTTOM DRAIN	_____	
⑧ AIR LINE	_____	

No Prior Zoning Hearings

Not in CBCA

CITY WATER	0000
WELL WATER	
SEWER	
SEPTIC	

SYLVAN POOLS

NAME BUSINESS FORM 1041
SITE ADDRESS 10000 20th St
Highland Ave 21030
MAILING ADDRESS same

RES PH 913 785-223 OFF PH 1 none
ACCT NO _____ MR _____ MRS _____

MODEL:
POOL SHAPE rect DEPTH 3 TO 5'6"
WIDTH 10 LENGTH 21 PERIM 62
POOL SQ FT 500 STEPS 7 SQ FT _____
COZY CORNER 0 SQ FT LOVE SEAT 2 SQ FT _____
SPA 40 SQ FT TOTAL WATER 112 SQ FT _____
CAPACITY (LUGS) 2-200 TURNOVER (HRS) _____

COPING _____ TILE _____
JNT FINISH _____ ROPE / FLOATS _____
FILTER _____ PUMP _____ HP _____
SKIMMERS _____ RETURNS _____
BOTTOM DRAIN _____ LAUGER _____
WATTS LIGHT SPA _____ WATTS _____
DIVING STAND _____ BOARD LENGTH _____
VACUUM KIT _____ CLEANING KIT _____
HEATER MODEL _____ BTUS _____
SELF-CLEANER _____
INJECTORS SPA _____ LOVE SEAT _____ COZY CORNER _____
AIR BLOWER _____
SOLAR REGULATING SYSTEM _____
TEMPORARY FENCE _____
EXT. 2ND STEP _____ FT _____
WINTER COVER _____

CABLE + UTILITY NO _____

SITE CONDITIONS

GRADING _____

DIRT HAUL _____ DIRT LEAVE ON _____

STUMPS _____

ELECTRIC BY _____ FENCE BY _____

DECK BY _____ WALL BY _____

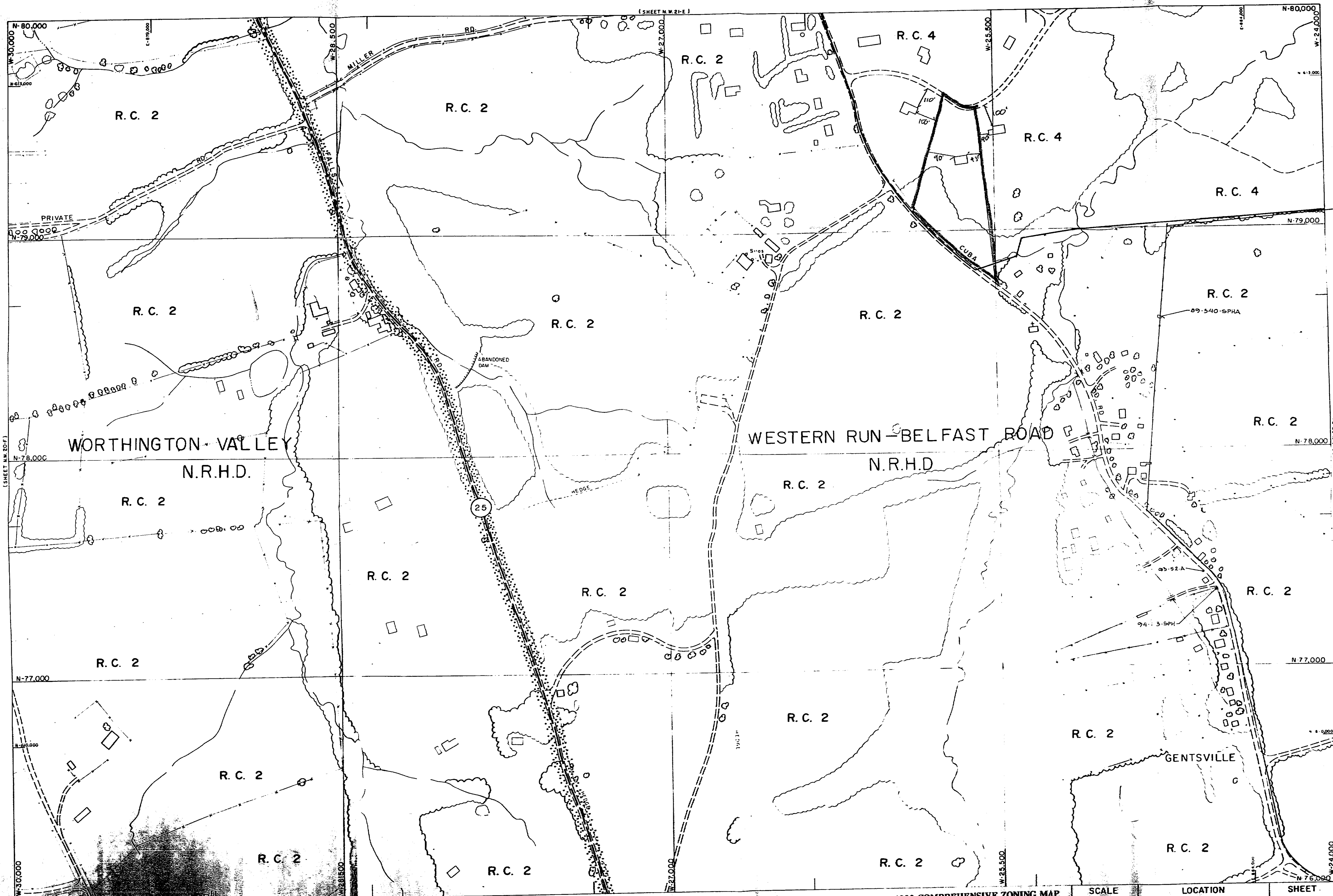
GAS LINE BY _____ VENTED BY _____

CONST OFF LAURA PH NO 703-792-7723
SALESMAN SALESTO MGR Kenny
SALES OFFICE 410-256-9700 PH NO 404-571-5673

PERMIT OFFICE: BALT COUNTY: Grvt
PHONE NO

SPECIAL INSTRUCTIONS

INSTRUCTIONS	CONTRACT DATE
1. 1/2 2. 1/2 3. 1/2 4. 1/2 5. 1/2 6. 1/2 7. 1/2	OWN BY
	DATE
	OK'D BY
BUYER TO DETERMINE APPROXIMATE ELEVATION OF POOL ON DAY OF EXCAVATION	
BUYER TO WET DOWN CONCRETE SHELL AT LEAST TWICE DAILY FOR SEVEN DAYS	



V-NW
DD-SW

1988 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 13, 1988
SBN Nos. 144-88, 145-88, 146-88, 147-88, 148-88, 149-88, 150-88
Deborah J. [Signature]
Chairman, County Council

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

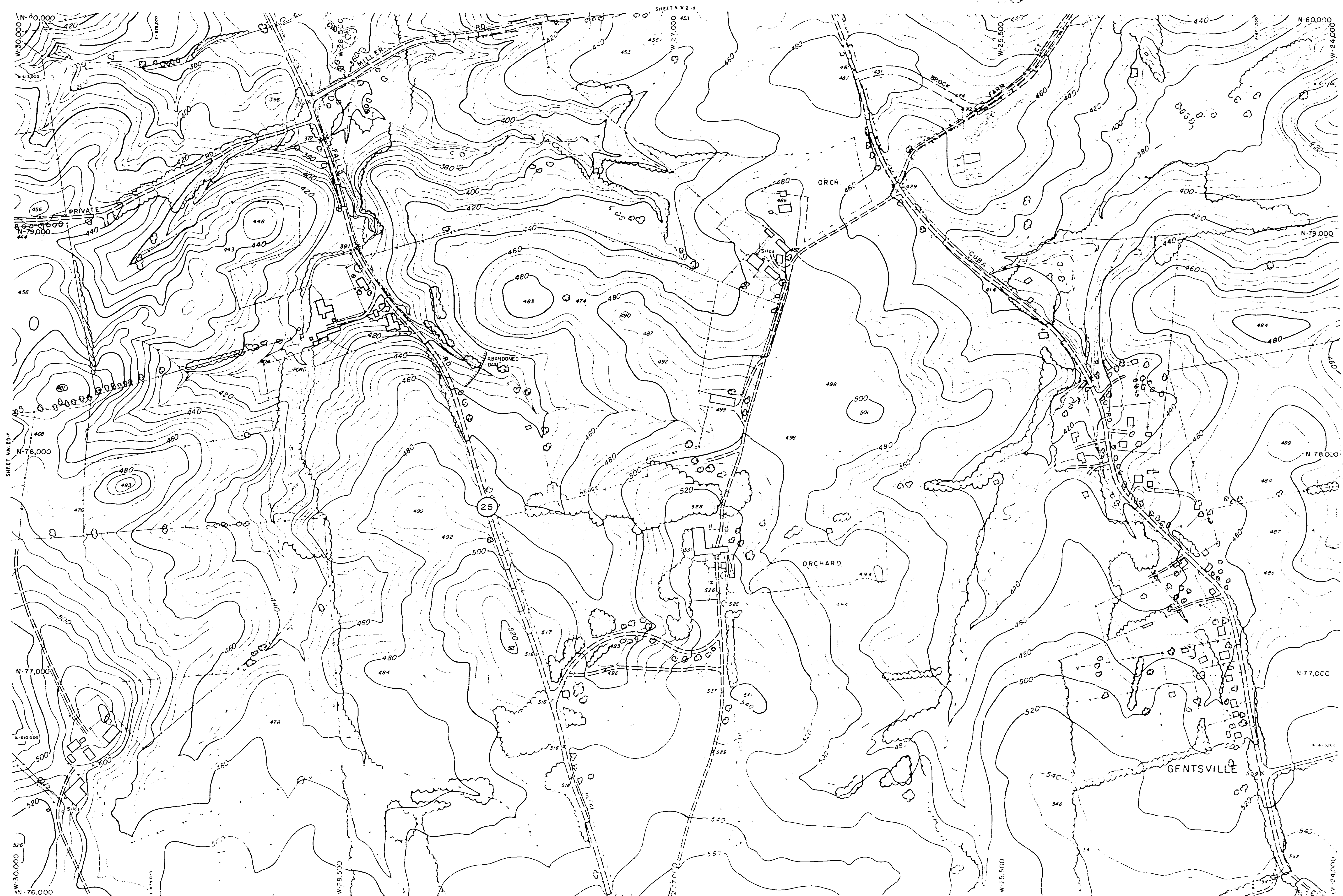
BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP

1992 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 15, 1992
SBN Nos. 153-92, 154-92, 155-92, 156-92, 157-92, 158-92, 159-92

William A. Howard
Chairman, County Council

SCALE	LOCATION	SHEET
1" = 200'	GENTSVILLE	NW
DATE OF PHOTOGRAPHY		20-E
JANUARY 1986		

96-425-A



V - NW
D D - SW

PHOTOGRAMMETRIC MAP OF
BALTIMORE COUNTY, MARYLAND

96-425-A

REVISIONS

BY DATE

SCALE

1" = 200'

LOCATION

GENTSVILLE

SHEET

N. W.

20-E

Topography Compiled By Photogrammetric Methods
U.S. GEOLOGICAL SURVEY - BALTIMORE, MARYLAND



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

96-425-A

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401

SCALE
1" = 200'

LOCATION

GENTSVILLE

SHEET

N. W

20-E

DATE
OF
PHOTOGRAPHY
JANUARY
1986

UNCLASSIFIED